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Attorney Docket SEL 253

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)
Hajime KIMURA)
Serial No.: 09/837,105)
Filed: April 18, 2001)
For: Self-Light Emitting Device and)
Electrical Appliance Using The Same)
Art Unit: 2875 ✓)
Examiner: D. Dong)

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November 5, 2003

(Date of Deposit)

Shannon Wallace

Name of applicant, assignee, or Registered Rep.

Shannon Wallace 11/5/03

Signature

Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESEPNSE C (AFTER FINAL)

Sir:

Applicant has the following response to the Final Rejection of August 5, 2003.

Claim Rejections – 35 USC §103

In the Final Rejection, the Examiner rejects Claims 1-77 under 35 USC §103 as being unpatentable over Ikeda in view of Wortman.¹ This rejection is respectfully traversed.

One feature of the claimed invention of the present application is having a self-light emitting display device with a light scattering body. As a result, a self-light emitting device with high efficiency of light emission is achieved.

¹ Applicant notes that Claim 1 was canceled in Amendment B filed July 7, 2003 in the above-identified application.

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The Examiner contends that Ikeda discloses an EL display device but acknowledges that the reference does not disclose a light scattering body. The Examiner, however, argues that Wortman teaches a light directing film and that it would have been obvious to combine these references to arrive at the claimed invention.

Applicant disagrees with this rejection for at least the reasons discussed below.

1) The Examiner appears to have no basis for combining these two references other than that they are directed to optical displays. The Court of Appeals for the Federal circuit has stated on numerous occasions that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

Applicant does not find any such teaching or suggestion in the references. The Examiner states that Wortman teaches a light directing film for use in optical displays which reduces undesirable coupling between adjacent sheets of light directing film without sacrificing the optical performance of the article. Applicant sees no showing in the Final Rejection of any teaching or suggestion in Ikeda of this alleged need or deficiency which would have one skilled in the art insert the film from Wortman into the device of Ikeda. The only basis for such a substitution must be based on the present application which is improper hindsight reconstruction. Alternatively, this is an improper obvious to try rejection. Either way, the combination of these references and the rejection based thereon is improper.

2) Further, one skilled in the art would not insert the device disclosed in Wortman in the device disclosed in Ikeda because it is contrary to what one skilled in the art would do upon reading

the references. More specifically, Wortman is directed to light directing films which are intended to reduce the amount of energy for a light source in a device using an external light source for laptop computers, calculators, digital wristwatches, or cellular telephones. In contrast, Ikeda is directed to light-emitting element drive circuits which are intended to drive a light-emitting element and work by emitting light by itself, and therefore, does not need an external light source. As a result, one skilled in the art would not, upon reading the references, incorporate the light directing film of Wortman for an external light source into the self-light emitting display in Ikeda as it is contrary to the way in which Ikeda is intended to work and contrary to the purpose or intent of Wortman.

Hence, the combination of references is improper, and the rejection based thereon should be withdrawn.

Conclusion

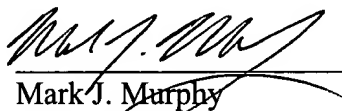
Accordingly, the present application is in a condition for allowance and should be allowed.

If any fee is due for this amendment, please charge our Deposit Account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

Date: November 5, 2003


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